IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 24943 of 2002

Between:
G.M.Menon S/o.Late P.R.K.Menon,aged about 53 years,
Occupation:Retd.Employee,R/o.Flat No.301,Prabhat
Castle, 10-3-32/13, East Maredpally,Secunderabad.

..... PETITIONER

AND

1.Praga Tools Limited, 6-6-8/32,Kavadiguda,
Secunderabad, rep. By its Managing Director,
2.The General Manager (P&A),Praga Tools Ltd.,
6-6-8/32,Kavadiguda, Secunderabad.
3.The Office Company Secretary, Praga Tools Ltd.,
6-6-8/32, Kavadiguda, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying arrears of salary of the petitioner for the period relating to 01.01.1992 to 23.02.1996 as per the revised pay scales vide Circular No.01/99, dated 28.06.1999 and assigning misleading reasons in proceedings No.600/L/2002, dated 17.10.2002, while admitting the claim of the petitioner, as bad, illegal, arbitrary and contrary to V.R.S. Scheme and offends Articles 14 and 300-A of Constitution of India and set aside the impugned Proceedings No.600/L/2002, dated 17.10.2002 to the extent postponing the payments of arrears of salary indefinitely and consequently direct the respondents to pay arrears of salary and other emoluments under pay revision for the above period with interest and costs.

For the Petitioner:MR.V.VENUGOPALA RAO,Advocate

For the Respondents : MR.P.NAGESWARA SREE, Standing Counsel for Praga Tools.

The Court made the following :

ORAL ORDER:

Petitioner obtained voluntary retirement from the Praga Tools Limited, a public sector corporation of the Central Government, with effect from 23-02-1996. A circular dated 27-02-1995 dealing with voluntary retirement scheme under which the petitioner obtained voluntary retirement stated that employees, who were willing to opt for Voluntary Retirement Scheme would be eligible for arrears on account of wage/pay revision, if any, till the date they are in the service of the company.

By a company circular dated 28-06-1999, the benefit of revised pay scales and other related allowances for executives and non-unionized supervisors was granted. Clause 1 of the circular dealt with the effective date and duration of the benefits of revised pay scales. Clause 1.1 stated that the revised pay scales shall be effective notionally from 01-01-1992 and will remain in

force for a period of five years up to 31-12-1996, but effective from May, 1999 only. Clause 2 of the circular dealt with the coverage of the benefits. Clause 2.1 stated that the revised pay scales would be applicable to executives, who were on the rolls of the company as on 01-01-1992 and others who have joined subsequently and continue to be on the rolls of the company as on the date of issue of the circular. Clause 2.3 - on which exclusive reliance is placed by the petitioner reads as under:

> 2.3. All executives who were on the rolls of the Praga Tools Ltd., as on 1-1-1992 but subsequently ceased to be in service on account of superannuation, resignation, V.R., termination of employment, death etc., would be eligible for the benefits of the revised scales of pay up to the period they were in employment of the Praga Tools Ltd.

Claiming the benefit of the revised pay scales and claiming re-computation of his voluntary retirement benefits on the basis of such re-fixation the petitioner appears to have made representations to the respondents, but without result. He has therefore filed the Writ Petition on 16-12-2002, more than six and half years after his

retirement. In the Writ Petition he seeks the arrears of salary (in the revised scales) for the period from 01-01-1992 to 23-02-1996 and other consequential benefits on the said basis.

In view of Clause 1 of the Company circular dated 28-06-1999 it is clear that the revised pay scales are to be effective notionally from 01-01-1992 with the monetary benefits effective only from May, 1999. There is, therefore, no entitlement to the cash component of the revised pay scales prior to May, 1999. Clause 2.3 of the said company circular which states that all executives who were on the rolls of the company as on 01-01-1992 but have subsequently ceased to be in such service would also be eligible for the benefits of the revised pay scales of pay, up to the period they were in the employment of the company must in deference to the requirements of logic and reason be construed harmoniously with the presents of Clause 1.1 i.e. that the benefits would be available to such of those executives of the company who were in service as on 01-01-1992 but have subsequently ceased to be so after May,1999. Clause 2.3 is not in terms or on a true and fair construction of its terms, an independent

instrument setting out the effective date and duration of the benefits of the revised pay scales. It is only clarificatory of Clause 1.1 in so far as retired executives is concerned. It has no independent trajectory nor does it impose any extended liability on the respondent for grant of the benefits of pay revision with effect from 01-01-1992 even to retired executives of the company, benefits which even serving employees are not entitled to, in view of the provisions of Clause 1.1 of the company circular dated 28-06-1999. Apart from this analysis, the approach of the petitioner to this Court, six and half years after he has retired from service on 23-02-1996, disentitles him for grant of any relief on the ground of delay and laches.

For the plurality of reasons recorded above, the petitioner is disentitled for any relief. The Writ Petition is accordingly dismissed. No costs.

ASSISTANT REGISTER

//TRUE COPY//

SECTION OFFICER

To
1.The Managing Director, Praga Tools Limited, 6-6-8/32,

Kavadiguda, Secunderabad.
2.The General Manager (P&A),Praga Tools Limited, 6-6-8/32,Kavadiguda, Secunderabad.
3.The Office Company Secretary, Praga Tools Limited, 6-6-8/32,Kavadiguda, Secunderabad.
4. Two C.D. copies.